



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 20, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Final Map And Execution Of Agreements For 230 Lighthouse Road

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,797 and standard agreements relating to the approved subdivision at 230 Lighthouse Road, and authorize the City Engineer to record a recital document following completion of the required public improvements stating that the public improvements have been completed and that the *Agreement for Land Development Improvements*, recorded in association with this map, may be removed from the title document after the public improvements warranty period has ended.

DISCUSSION:

A Tentative Map for the subdivision located at 230 Lighthouse Road (Attachment 1) was conditionally approved on July 23, 2009, by adoption of the Planning Commission Conditions of Approval, Resolution Number 029-09 (Attachment 2). The project involves the demolition of an existing church and subdivision of the property into eight new lots with development of new single family homes on each of the new lots. The required public improvements have all been completed except the slurry seal, which will occur after the new homes have been constructed. All eight new homes are currently under review by City staff with individual building permit numbers assigned, pending issuance following recordation of the Final Map (Map). The public improvements have been secured with bonds and with an executed *Agreement for Land Development Improvements*. Staff has reviewed the Map and found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the Planning Commission's approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City. Council approval is required if Council agrees with staff's determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Agreement for Land Development Improvements*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

THE FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Final Map Number 20,797 by the Planning Commission Conditions of Approval Resolution Number 029-09
 3. List of Owners/Trustees

PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

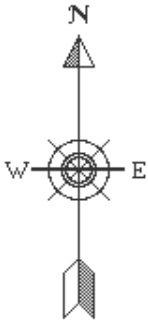
APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map
230 Lighthouse Road



Washington
School



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,797 BY THE PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NUMBER 029-09

230 LIGHTHOUSE ROAD

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 23, 2009, is limited to an eight-lot residential subdivision and the improvements shown on the Tentative Subdivision Map (including two private driveways, common pedestrian “walkstreet”, and associated landscaping, utilities, and public improvements) signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Six lot frontage modifications are approved as part of the project.
2. **Guest Parking Stall.** Each lot shall provide and maintain an uncovered guest parking stall on the lot in addition to the two (2) covered parking spaces required by the Zoning Ordinance.
3. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB) for all common areas. Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the homeowners and/or Homeowners Association shall be responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner(s) shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project’s surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common areas, include an item in the private covenants stating that the green waste will be hauled off site.
 - e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
8. **Residential Permit Parking Program.** Residents of this subdivision shall not participate in the Residential Permit Parking Program.
9. **Timing of Construction of Common Area Improvements.**
 - a. If a Building Permit is sought for an individual lot independent of the others, construction of the two private driveways, the common walkway down the center of the site, drainage improvements, perimeter walls (see condition A.3) and the private utilities as shown on the tentative map must be completed before a Building Permit will be issued for any individual residence.
 - b. If Building Permits are sought concurrently for construction of homes for the entire subdivision, construction of the two private driveways, the common walkway down the center of the site, drainage improvements, perimeter walls (see conditions A.3) and the private utilities as shown on the tentative map must be completed prior to issuance of a Certificate of Occupancy for any individual residence.
10. **Timing of Tree Replacement.** The trees identified on the Common Area Landscape Plan shall be planted within 60 days of removal of existing trees unless a building permit has been issued for the construction of a residence on at least one of the lots. If a building permit has been issued for the construction of a residence on at least one of the lots, the planting of the common area landscaping may be deferred until completion of construction. In any case, all

common area landscaping must be installed prior to issuance of any Certificate of Occupancy.

11. **Disclosure of School Activities.** Future owners of each residential lot shall be made aware of the fact that Washington Elementary School is on the adjacent property and that various indoor and outdoor activities occur on said property, including, but not limited to outdoor play, organized games, and special events. Future school expansion projects should also be disclosed. The language of the disclosure shall be provided to the Washington School Principal and shall be approved by the School District prior to recordation of the final map for the subdivision. Future owners and tenants shall be required to review and acknowledge acceptance of such disclosure. Acknowledgement shall be notarized prior to close of escrow for future owners and as part of rental agreements for tenants.
12. **Design Components of Future Residences.** The following design components shall be incorporated into the residential development to minimize the potential for nuisance complaints between the school and residential uses:
 - a. Provision of an adequate, year-round landscape buffer and/or wall between the new residence(s) and the existing school use.
 - b. The location and design of decks, balconies, patios, large windows, and similar features, including ventilation features, facing the school facilities and outdoor play areas shall consider the potential for exposure to noise associated with the adjacent elementary school (i.e. outdoor play areas, school bells, parking lot noise, etc), as well as exposure of the school site to noise generated by the future residents. Where windows or other ventilation features are proposed on the sides of structures facing the school, they should be placed so as to minimize visibility into the school and conveyance of noise (i.e. clerestory windows).
 - c. For each proposed house in the subdivision, an acoustical summary shall be submitted to the SFDB and to the Building & Safety Division with each building permit application for new residential development. The summary shall identify the location of the following construction methods, which serve to minimize noise levels in indoor living areas in order to minimize the potential for exposure to noise from the adjacent school property and associated nuisance complaints. The following measures shall be incorporated into the development plans for the future residences:
 - 1) Exterior walls facing the school property shall have a minimum STC rating of 50.
 - 2) Roof/ceiling assemblies shall have minimum STC rating of 50.
 - 3) Outside intakes for the mechanical ventilation system should avoid orientation towards the school property and shall have one-inch thick acoustical lining and at least one elbow.
 - 4) Fireplaces shall have glass doors and flue dampers.
 - 5) Air conditioning or mechanical ventilation system should be considered so that exterior doors and windows may remain closed.

ATTACHMENT 3

LIST OF OWNERS for 230 Lighthouse Road

SB Lighthouse 8, LLC, A Delaware Limited Liability Company

John Landau, Managing Member Representative

Townsgate Partners, LLC, A Delaware Limited Liability Company

John Landau, Managing Member Representative